

SAN JUAN COUNTY

ORDINANCE NO. 2024-01

AN ORDINANCE TO AMEND THE SAN JUAN COUNTY ZONING ORDINANCE TO CLARIFY THAT SHORT-TERM RENTAL USE IS PROHIBITED IN THE SPANISH VALLEY RESIDENTIAL (SVR) DISTRICT

WHEREAS the Board of San Juan County Commissioners did not intend to allow short-term rental in the Spanish Valley Residential (SVR) District when it enacted the San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance (SVDO);

WHEREAS the Board of San Juan County Commissioners understands that, nonetheless, short-term rental is occurring in the SVR District;

WHEREAS the Board of San Juan County Commissioners further understands that it is disputed by some owners of property within the SVR District whether the SVDO prohibits short-term rental in the SVR District;

WHEREAS these disputes have resulted in administrative and legal action against San Juan County;

WHEREAS clarifying that short-term rental is a prohibited use in the SVR District promotes the prosperity, peace, good order, comfort, and convenience of the County and its inhabitants and protects property rights; and

WHEREAS the Board of San Juan County Commissioners is the legislative body of San Juan County, Utah and is therefore authorized by the laws of the State of Utah to enact ordinances and rules and make regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by state law, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the County and its inhabitants, and the protection of property in the County:

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF SAN JUAN COUNTY ORDAINS AS FOLLOWS:

(1) The San Juan County Zoning Ordinance section 153.005 is amended to add the following definitions at the appropriate location in the alphabetical list of definitions:

ACCESSORY DWELLING UNIT (ADU). A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling but is not an internal accessory dwelling unit as defined by State code. It provides all utilities necessary for human occupation, approved by the county board of health, and satisfies building and fire code requirements. An ADU may not exceed 50% of the primary dwelling square footage or 1,200 square feet, whichever is smaller.

It is also referred to as mother-in-law dwelling, caretaker dwelling, and similar terms. Unless specifically permitted, an ADU may not be used as a short-term rental.

SHORT-TERM RENTAL. A dwelling or a portion of a dwelling that the owner of record or the lessee of the dwelling or the portion of a dwelling leases to another for occupancy for fewer than 30 consecutive days.

(2) The San Juan County Spanish Valley Development Ordinances of the San Juan County Zoning Ordinance, Chapter 1, Spanish Valley Residential (SVR) District is amended as follows:

(A) The following language is inserted at the end of the section on **Uses**:

No short-term rental is allowed in the SVR District, and the Spanish Valley Overnight Accommodations Overlay shall not be applied to the SVR District. Regardless of the number of occupants, no hotel, apartment hotel, motel, tourist court, apartment court, commercial condominium for short-term rental, bed and breakfast (B&B), boarding house, lodging house, resort, commercial campground, or any other variation of overnight accommodation intended for nightly rental is permitted in the SVR District.

(B) **Table 1-1, Spanish Valley Residential (SVR) District Uses** is amended to include the parenthetical (excluding short-term rental) following the **RESIDENTIAL USES** category heading, adding Accessory Dwelling Unit use, and distinguishing the specific use status of Accessory Buildings and Uses such that the **RESIDENTIAL USES** section of **Table 1-1** shall appear as follows:

**Table 1-1
Spanish Valley Residential (SVR) District Uses**

Use Category	Specific Use
RESIDENTIAL USES (excluding short-term rental)	
Dwelling, single-family	P
Dwelling, two-family (duplex)	P
Dwelling, Manufactured	P
Accessory Buildings	P
Accessory Dwelling Unit	P
Accessory Uses	C
All other household living uses (5th wheels, trailers, etc.)	C

The remainder of **Table 1-1, Spanish Valley Residential (SVR) District Uses** remains unchanged.

(3) Once enacted, this Ordinance shall be published on the San Juan County website’s Planning and Zoning page until publication by the County’s code service provider.

PASSED AND ADOPTED by action of the Board of San Juan County Commissioners for San Juan County in an open meeting this 16th day of January 2024.

Voting Aye: _____

Voting Nay: _____

ATTEST:

SAN JUAN COUNTY BOARD OF
COMMISSIONERS:

Lyman Duncan, Clerk/Auditor

Jamie Harvey, Chair